

**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**

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Introduced by: The Council President  
At the request of: The Administration (Department of Planning)

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**A BILL ENTITLED**

**AN ORDINANCE concerning**

**Zoning –**  
**Group Homes – Nursing Homes – Emergency Shelters**

FOR the purpose of specifying the districts within which group homes, nursing homes, and emergency shelters are allowed as permitted uses, conditional uses requiring approval by the Zoning Board, or conditional uses requiring approval by ordinance; defining or redefining certain terms; conforming and modifying the schedule of off-street parking spaces required for these uses; requiring the Zoning Administrator to provide reasonable accommodation to certain persons; repealing provisions that require an ordinance to establish certain health facilities; and generally relating to the zoning of group homes, nursing homes, and emergency shelters.

BY repealing

Article - Zoning  
Section(s) 1-129, 4-204(2), 4-1004(3), 5-204(2), 6-309(7), and 6-509(2) and (3)  
Baltimore City Revised Code  
(Edition 2000)

BY adding

Article - Zoning  
Section(s) 1-138.1, 1-147, 1-168.1, 2-105(b)(13), 4-201(4a), 4-204(3a), 4-901(4),  
4-1001(6), 4-1004(5), 4-1101(5a) and (7), 5-201(4a), 5-204(11), 6-206(20a),  
6-208(3a), 6-309(9a) and (13), 6-406(47a), and 6-509(2) and (5)  
Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, without amendment

Article - Zoning  
Section(s) 4-301, 4-303, 4-304, 4-401, 4-403, 4-404, 4-501(1),  
4-503(1), 4-504(1), 4-601, 4-603, 4-604, 4-701, 4-703, 4-704, 4-801(1),

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **WARNING:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.  
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

4-803, 4-804, 4-901(1), 4-903(1), 4-904(1), 4-1001(1), 4-1003(1),  
4-1004(1), 4-1101(1), 4-1103(1), 4-1104, 4-1201(1), 4-1203(1), 4-1204,  
4-1301(1), 4-1303, 4-1304, 6-306(1), 6-308(1), 6-309(1), 6-406(1), 6-408(1),  
6-409(1), 6-506(1), 6-508(1), 6-509(1), 6-606(1), 6-608(1), and 6-609(1)

Baltimore City Revised Code  
(Edition 2000)

BY repealing and reordaining, with amendments

Article - Zoning

Section(s) 2-105(b)(12) and (13), 4-202(2)(iii), 4-203(9), 4-1004(2),  
5-203(11), 5-204(6), 6-207(1)(iii), and 10-405(11)(i) and (ii)

Baltimore City Revised Code  
(Edition 2000)

BY repealing

Article - Health

Section(s) §§ 3-101 through 3-107, inclusive, together with the  
subtitle designation “Subtitle 1. Ordinance Required to Establish”

Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article – Zoning**

**[§ 1-129. Convalescent, nursing, or rest home.**

*(a) In general.*

“Convalescent, nursing, or rest home” means a home in which 3 or more people who are  
aged, chronically ill, infirm, incurable, or suffering bodily disorders are housed and  
provided with food and care.

*(b) Exclusions.*

“Convalescent, nursing, or rest home” does not include any hospital, clinic, or similar  
institution devoted primarily to the diagnosis and treatment of disease and injury,  
maternity cases, or mental illness.]

**§ 1-138.1. EMERGENCY SHELTER.**

“EMERGENCY SHELTER” MEANS A FACILITY THAT PROVIDES TEMPORARY SHELTER FOR 1 OR  
MORE INDIVIDUALS WHO ARE OTHERWISE HOMELESS.

**§ 1-147. GROUP HOME.**

(A) *“ASSISTED LIVING PROGRAM” DEFINED.*

IN THIS SECTION, “ASSISTED LIVING PROGRAM” MEANS A RESIDENTIAL OR FACILITY-BASED PROGRAM LICENSED OR CERTIFIED BY THE STATE OF MARYLAND TO PROVIDE HOUSING AND SUPPORTIVE SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A COMBINATION OF THESE SERVICES TO PERSONS WHO ARE 62 YEARS OLD AND OLDER OR OTHER PERSONS WITH DISABILITIES WHO ARE PROTECTED UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT.

(B) *“GROUP HOME” DEFINED.*

“GROUP HOME” MEANS A FACILITY THAT PROVIDES AN ASSISTED LIVING PROGRAM.

(C) *TYPES OF GROUP HOMES.*

(1) *GENERAL.*

THE FOLLOWING ARE THE TYPES OF GROUP HOMES. NEITHER RESIDENT STAFF MEMBERS NOR DEPENDENT CHILDREN IN THE CUSTODY OF A PARTICIPANT IN THE ASSISTED LIVING PROGRAM ARE COUNTED IN DETERMINING THE TYPE OF GROUP HOME.

(2) *DESIGNATED TYPES.*

(I) *GROUP HOME: SMALL* – 1 TO 8 PERSONS IN AN ASSISTED LIVING PROGRAM.

(II) *GROUP HOME: LARGE* – 9 TO 16 PERSONS IN AN ASSISTED LIVING PROGRAM.

(III) *GROUP HOME: CONGREGATE LIVING FACILITY* – 17 OR MORE PERSONS IN AN ASSISTED LIVING PROGRAM.

**§ 1-168.1. NURSING HOME.**

(A) *IN GENERAL.*

“NURSING HOME” MEANS A FACILITY LICENSED BY THE STATE OF MARYLAND TO PROVIDE TREATMENT AND CARE FOR PERSONS SUFFERING FROM ILLNESS, DISEASE, AGING, OR INJURY, WHO DO NOT REQUIRE THE EXTENSIVE OR INTENSIVE CARE THAT IS NORMALLY PROVIDED IN A HOSPITAL, BUT WHO REQUIRE THE ON-SITE AVAILABILITY OF MAXIMAL NURSING SERVICES PROVIDED BY A LICENSED NURSE, AND MEDICAL, CONVALESCENT, REHABILITATIVE, OR CHRONIC CARE.

(B) *EXCLUSION.*

“NURSING HOME” DOES NOT INCLUDE A GROUP HOME.

**§ 2-105. Duties.**

(b) *Specific duties.*

In addition to and in furtherance of that responsibility, the Zoning Administrator has the duty to:

- (12) periodically provide for publication of this article; [and]
- (13) PROVIDE REASONABLE ACCOMMODATION IN THE APPLICATION OF THIS ARTICLE FOR THE SITING, DEVELOPMENT, AND USE OF HOUSING OR SERVICES FOR AN INDIVIDUAL PROTECTED UNDER THE FEDERAL AMERICANS WITH DISABILITIES ACT OR THE FEDERAL FAIR HOUSING AMENDMENTS ACT; AND
- (14) [(13)] perform all other duties imposed on the Zoning Administrator by this article.

**§ 4-201. Permitted uses.**

In an R-1 District, permitted uses are as follows:

- (4A) GROUP HOMES: SMALL.

**§ 4-202. Accessory uses.**

In an R-1 District, accessory uses and structures include the following:

- (2) Accessory microwave antennas (satellite dishes), as follows:
  - (iii) Any accessory satellite dish not exceeding 12 feet in diameter that is located:
    - (A) on the premises of a tavern, regardless of lot size; or
    - (B) on the premises one of the following uses, if the use is on lot of at least 7,500 square feet:
      - [1. Convalescent, nursing, or rest homes.]
      - 1. [2.] Educational and cultural institutions: nonprofit or publicly owned, as specified in § 4-201(4) of this subtitle.
      - 2. [3.] Hotel and motels.
      - 3. [4.] Housing for the elderly.
      - 4. [5.] Medical facilities: nonprofit or publicly owned.
      - 5. NURSING HOMES.

6. Religious institutions, as specified in § 4-201(6) of this subtitle.
7. VFW and American Legion Posts.

**§ 4-203. Conditional uses – Board approval required.**

In an R-1 District, conditional uses that require Board approval are as follows:

- (9) [Health and medical institutions: for care of aged or children] GROUP HOMES: LARGE OR CONGREGATE LIVING FACILITY.

**§ 4-204. Conditional uses – Ordinance required.**

In an R-1 District, conditional uses that require approval by ordinance are as follows:

- [(2) Convalescent, nursing, and rest homes.]
- (3A) NURSING HOMES.

**§ 4-301. Permitted uses.**

In an R-1A District, permitted uses are the same as those in an R-1 District.

**§ 4-303. Conditional uses – Board approval required.**

In an R-1A District, conditional uses that require Board approval are the same as those in an R-1 District.

**§ 4-304. Conditional uses – Ordinance required.**

In an R-1A District, conditional uses that require approval by ordinance are the same as those in an R-1 District.

**§ 4-401. Permitted uses.**

In an R-1B District, permitted uses are the same as those in an R-1 District.

**§ 4-403. Conditional uses – Board approval required.**

In an R-1B District, conditional uses that require Board approval are the same as those in an R-1 District.

**§ 4-404. Conditional uses – Ordinance required.**

In an R-1B District, conditional uses that require approval by ordinance are the same as those in an R-1 District.

**§ 4-501. Permitted uses.**

In an R-2 District, permitted uses are as follows:

(1) As in an R-1 District.

**§ 4-503. Conditional uses – Board approval required.**

In an R-2 District, conditional uses that require Board approval are as follows:

(1) As in an R-1 District (unless it is a permitted use under § 4-501).

**§ 4-504. Conditional uses – Ordinance required.**

In an R-2 District, conditional uses that require approval by ordinance are as follows:

(1) As in an R-1 District.

**§ 4-601. Permitted uses.**

In an R-3 District, permitted uses are the same as those in an R-1 District.

**§ 4-603. Conditional uses – Board approval required.**

In an R-3 District, conditional uses that require Board approval are the same as those in an R-1 District.

**§ 4-604. Conditional uses – Ordinance required.**

In an R-3 District, conditional uses that require approval by ordinance are the same as those in an R-1 District.

**§ 4-701. Permitted uses.**

In an R-4 District, permitted uses are the same as those in an R-2 District.

**§ 4-703. Conditional uses – Board approval required.**

In an R-4 District, conditional uses that require Board approval are the same as those in an R-2 District (unless it is a permitted use under § 4-701).

**§ 4-704. Conditional uses – Ordinance required.**

In an R-4 District, conditional uses that require approval by ordinance are the same as those in an R-2 District.

**§ 4-801. Permitted uses.**

In an R-5 District, permitted uses are as follows:

(1) As in an R-2 District, except that agricultural uses are not permitted.

**§ 4-803. Conditional uses – Board approval required.**

In an R-5 District, conditional uses that require Board approval are the same as those in an R-2 District (unless it is a permitted use under § 4-801).

**§ 4-804. Conditional uses – Ordinance required.**

In an R-5 District, conditional uses that require approval by ordinance are the same as those in an R-2 District.

**§ 4-901. Permitted uses.**

In an R-6 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.
- (4) GROUP HOMES: LARGE.

**§ 4-903. Conditional uses – Board approval required.**

In an R-6 District, conditional uses that require Board approval are as follows:

- (1) As in an R-1 District (unless it is a permitted use under § 4-901).

**§ 4-904. Conditional uses – Ordinance required.**

In an R-6 District, conditional uses that require approval by ordinance are as follows:

- (1) As in an R-1 District.

**§ 4-1001. Permitted uses.**

In an R-7 District, permitted uses are as follows:

- (1) As in an R-2 District, except that agricultural uses are not permitted.
- (6) GROUP HOMES: LARGE.

**§ 4-1003. Conditional uses – Board approval required.**

In an R-7 District, conditional uses that require Board approval are as follows:

- (1) As in an R-1 District (unless it is a permitted use under § 4-1001).

**§ 4-1004. Conditional uses – Ordinance required.**

In an R-7 District, conditional uses that require approval by ordinance are as follows:

- (1) As in an R-1 District.

[(3) Nonprofit homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons.]

(5) EMERGENCY SHELTERS.

**§ 4-1101. Permitted uses.**

In an R-8 District, permitted uses are as follows:

(1) As in an R-2 District, except that agricultural uses are not permitted.

(5A) GROUP HOMES: LARGE.

(7) NURSING HOMES.

**§ 4-1103. Conditional uses – Board approval required.**

In an R-8 District, conditional uses that require Board approval are as follows:

(1) As in an R-7 District (unless it is a permitted use under § 4-1101).

**§ 4-1104. Conditional uses – Ordinance required.**

In an R-8 District, conditional uses that require approval by ordinance are the same as those in an R-7 District (unless it is a permitted use under § 4-1101).

**§ 4-1201. Permitted uses.**

In an R-9 District, permitted uses are as follows:

(1) As in an R-8 District.

**§ 4-1203. Conditional uses – Board approval required.**

In an R-9 District, conditional uses that require Board approval are as follows:

(1) As in an R-8 District (unless it is a permitted use under § 4-1201), except that cemeteries are not allowed.

**§ 4-1204. Conditional uses – Ordinance required.**

In an R-9 District, conditional uses that require approval by ordinance are the same as those in an R-7 District (unless it is a permitted use under § 4-1201).

**§ 4-1301. Permitted uses.**

In an R-10 District, permitted uses are as follows:

(1) As in an R-9 District.



**§ 4-1303. Conditional uses — Board approval required.**

In an R-10 District, conditional uses that require Board approval are the same as those in an R-9 District (unless it is a permitted use under § 4-1301).

**§ 4-1304. Conditional uses – Ordinance required.**

In an R-10 District, conditional uses that require approval by ordinance are the same as those in an R-7 District (unless it is a permitted use under § 4-1301).

**§ 5-201. Permitted uses.**

In an O-R District, permitted uses are as follows:

(4A) GROUP HOMES: SMALL OR LARGE.

**§ 5-203. Conditional uses – Board approval required.**

In an O-R District, conditional uses that require Board approval are as follows:

(11) [Health and medical institutions: for care of aged or children] GROUP HOMES:  
CONGREGATE LIVING FACILITY.

**§ 5-204. Conditional uses – Ordinance required.**

In an O-R District, conditional uses that require approval by ordinance are as follows:

[(2) Convalescent, nursing, and rest homes.]

(6) [Nonprofit homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons] NURSING HOMES.

(11) EMERGENCY SHELTERS.

**§ 6-206. Permitted uses.**

In a B-1 District, permitted uses are as follows:

(20A) GROUP HOMES: SMALL OR LARGE.

**§ 6-207. Accessory uses.**

In a B-1 District, accessory uses and structures include the following:

(1) Accessory microwave antennas (satellite dishes), as follows:

(iii) Any accessory satellite dish not exceeding 12 feet in diameter that is located:

(A) on the premises of a tavern, regardless of lot size; or

(B) on the premises one of the following uses, if the use is on lot of at least 7,500 square feet:

- [1. Convalescent, nursing, or rest homes.]
1. [2.] Educational and cultural institutions: nonprofit or publicly owned, as specified in § 4-201(4) of this article.
2. [3.] Hotel and motels.
3. [4.] Housing for the elderly.
4. [5.] Medical facilities: nonprofit or publicly owned.
5. NURSING HOMES.
6. Religious institutions, as specified in § 5-201(7) of this article.
7. VFW and American Legion Posts.

**§ 6-208 Conditional use – Board approval required.**

In a B-1 District, conditional uses that require Board approval are as follows:

(3A) GROUP HOMES: CONGREGATE LIVING FACILITY.

**§ 6-306. Permitted uses.**

In a B-2 District, permitted uses are as follows:

- (1) As in a B-1 District, except that:
  - (i) the gross floor area limitations of a B-1 District do not apply; and
  - (ii) drive-in establishments are not excluded.

**§ 6-308. Conditional uses — Board approval required.**

In a B-2 District, conditional uses that require Board approval are as follows:

- (1) As in a B-1 District (unless it is a permitted use under § 6-306).

**§ 6-309. Conditional uses – Ordinance required.**

In a B-2 District, conditional uses that require approval by ordinance are as follows:

- (1) As in a B-1 District (unless it is a permitted use under § 6-306).
- [(7) Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons.]

(9A) NURSING HOMES.

(13) EMERGENCY SHELTERS.

**§ 6-406. Permitted uses.**

In a B-3 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

(47A) NURSING HOMES.

**§ 6-408. Conditional uses — Board approval required.**

In a B-3 District, conditional uses that require Board approval are as follows:

(1) As in a B-2 District (unless it is a permitted use under § 6-406).

**§ 6-409. Conditional uses — Ordinance required.**

In a B-3 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-2 District (unless it is a permitted use under § 6-406).

**§ 6-506. Permitted uses.**

In a B-4 District, permitted uses are as follows:

(1) As in a B-2 District, except that business establishments are not limited to primarily retail or service establishments.

**§ 6-508. Conditional uses — Board approval required.**

In a B-4 District, conditional uses that require Board approval are as follows:

(1) As in a B-2 District (unless it is a permitted use under § 6-506).

**§ 6-509. Conditional uses – Ordinance required.**

In a B-4 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-1 District (unless it is a permitted use under § 6-506).

[(2) Convalescent, nursing, and rest homes.]

(2) EMERGENCY SHELTERS.

[(3) Homes for the rehabilitation of non-bedridden alcoholics and for the care and custody of homeless persons.]

(5) NURSING HOMES.

**§ 6-606. Permitted uses.**

In a B-5 District, permitted uses are as follows:

(1) As in a B-3 or B-4 District.

**§ 6-608. Conditional uses — Board approval required.**

In a B-5 District, conditional uses that require Board approval are as follows:

(1) As in a B-3 District (unless it is a permitted use under § 6-606).

**§ 6-609. Conditional uses — Ordinance required.**

In a B-5 District, conditional uses that require approval by ordinance are as follows:

(1) As in a B-4 District (unless it is a permitted use under § 6-606).

**§ 10-405. Schedule of required spaces.**

Off-street parking spaces must be provided as follows:

(11) *Health care services.*

(i) [(ii) Institutions for the care of the aged and for children; convalescent, nursing, and rest homes

R-9, R-10, O-R-2, O-R-3,  
O-R-4, B-3-3, B-5-1, B-5-2

1 per 10 beds, plus 1 per 6  
employees including staff doctors

All other districts

1 per 5 beds, plus 1 per 6 employees  
including staff doctors]

GROUP HOMES: SMALL

ALL DISTRICTS

2 PER GROUP HOME

GROUP HOMES: LARGE OR CONGREGATE  
LIVING FACILITY

ALL DISTRICTS

1 PER 4 FULL-TIME EQUIVALENT  
STAFF MEMBERS, PLUS 1 PER 5  
RESIDENTS

(II) [(i)] Hospitals; NURSING HOMES

R-9, R-10, O-R-2, O-R-3,  
O-R-4, B-2-3, B-3-3,  
B-4-1, B-4-2, B-5-1, B-5-2

1 per 10 [hospital] beds, plus 1 per 6  
employees including staff doctors

All other districts

1 per 5 [hospital] beds, plus 1 per 3  
employees including staff doctors

**SECTION 2. AND BE IT FURTHER ORDAINED,** That §§ 3-101 through 3-107, inclusive, of Article – Health, together with the subtitle designation “Subtitle 1. Ordinance Required to Establish”, are repealed.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

**SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day after the date it is enacted.